variant, as our small letter "b" may easily be changed to a "p" by prolonging the stem below the line. There is, however, no evidence in the printed report of the character of the writing in the manuscript report of the case.

If the above linguistic arguments are valid, they bring us to the English word *"bequoth."* This does not appear, however, in our English dictionaries, either as a past or present tense, and—a fact that for our purpose is more discouraging—it does not give a good meaning to our inscription, if inserted in place of *"pecote."* But the root *"quoth"* comes from an obsolete present tense *"quethe,"* derived from Anglo-Saxon *cwethan* or *cwethen,* meaning, prior to the eleventh century, *"to say."* In the fourteenth century it meant "to make formal assignment of property" and also meant "to leave by will," the last being the only surviving sense for which it is a proper term.

If the word *"bequeath"* is substituted for *"pecote"* in the inscription, we have an intelligible sentence that fits the situation perfectly. The horn was an heirloom handed down from father to son, apparently as a symbol of title to the land held by tenure of cornage. The inscription on the horn is an instruction to the grantee of the horn, "bequeath this horn [to thy successor] to hold buy thy land." It will be noted that the word *buy* in this paraphrase is printed *huy* in the report. This seems to be simply a blunder. The entire inscription is printed in italics and the italic *h* which occurs also in the words *"horn"* and *"hold,"* just preceding the word in question, has the loop turned in toward the stem of the letter so that it might be easily confused with a *b.*

The peculiar "hold buy" is easily explainable as meaning "hold fast to," as in the phrase, "hold fast by that which is good." The *"huy"* might, too, be a variant spelling of "why," and it also is equivalent to the "hui" which appears in the French "aujourd hui," but neither of these meanings would have much significance in connection with the rest of the sentence.

It may be said that it is possible to read the *"pecote"* as *"bequoth,"* an obsolete past tense of bequeath, and assume that there is some subject such as "ancestor" understood or that has been erased. The erasure at the beginning of the sentence is quite possible and would occur without affecting the rest of the inscription. J. H. D.

THE EFFECT, AFTER SEVEN YEARS, OF THE DOCTRINE OF HADDOCK V. HADDOCK.—In recent years few decisions of the Supreme Court of the United States have aroused more general comment and criticism than that in *Haddock v. Haddock,* (1906) 201 U. S. 562, 50 L. Ed. 867, where the court held that the New York courts were not bound, under the full faith and credit clause of the Constitution, to recognize a Connecticut divorce decree granted to a husband upon constructive service of process upon his wife who resided in New York (the matrimonial domicile of the parties) although the husband had acquired a *bona fide* domicile in the State of Connecticut. As pointed out in the dissenting opinion of Mr. Justice HOLMES, the necessary effect of the decision was to weaken and question, if not to reverse, previous decis-

ions of the Supreme Court, viz.: *Cheever* v. *Wilson,* 9 Wall. 108, 19 L. Ed. 604; *Maynard* v. *Hill,* 125 U. S. 190, 31 L. Ed. 654, 8 Sup.Ct. 723; and *Atherton* v. *Atherton,* 181 U. S. 155, 45 L. Ed. 794, 21 Sup. Ct. 544. It is true that Mr. Justice WHITE in the prevailing opinion distinguishes *Haddock* v. *Haddock* from *Atherton* v. *Atherton* on the ground that in the latter case the forum of the divorce decree was the matrimonial domicile of the parties. But that distinction ignores the necessary effect of *Maynard* v. *Hill, supra.* It would perhaps be hard to find a stronger denunciation of the *Haddock* case than that contained in an article by Professor BEALE in 19 HARV. L. REV., 586. He there declares the decision to be "opposed to reason, to authority, and to morality." For other discussions of this case see: 40 AM. L. REV. 580; 15 YALE L. JOUR. 387; 1 ILL. L. REV. 219.

A recent case decided by the United States Supreme Court suggests the question as to how much effect the *Haddock* case has really had upon the jurisprudence of this country. *Thompson* v. *Thompson,* (1913) 33 Sup. Ct. 129. Mr. and Mrs. Thompson were married and domiciled in Virginia. Mrs. Thompson left her husband and moved to the District of Columbia, where she brought an action for maintenance and alimony. Meantime the husband sued for divorce in Virginia, in which action the wife was served, as a non-resident, by publication only. He was granted the divorce and pleaded that judgment as a bar to the wife's action in the District of Columbia. The trial court declared the Virginia decree invalid and refused to recognize it: but the Court of Appeals reversed that decision, and on further appeal the Supreme Court sustained the Court of Appeals. Mr. Justice PITNEY, speaking for the court, says, "This subject (the application of the full faith and credit clause) in its relation to actions for divorce, has been most exhaustively considered by this court in two recent cases: *Atherton* v. *Atherton,* and *Haddock* v. *Haddock.* * * * In the present case it appears that the parties were married in the state of Virginia, and had a matrimonial domicile there, and not in the District of Columbia or elsewhere. The husband had his actual domicile in that state at all times until and after the conclusion of the litigation. It is clear therefore, under the decision in the Atherton case, and the principles upon which it rests, that the state of Virginia had jurisdiction over the marriage relation, and the proper courts of that state could proceed to adjudicate respecting it upon grounds recognized by the laws of that state, although the wife had left the jurisdiction and could not be reached by formal process."

Thompson v. *Thompson,* therefore, is merely an affirmation of the doctrine of the *Atherton* case, upholding the divorce on the ground that it was granted by a court of the matrimonial domicile, and does not necessarily affect the doctrine of the *Haddock* case. But in view of the widespread interest in the latter case at the time of its decision, and the general expectation that it would have a revolutionary effect on divorce law, it may be of advantage to look into the actual results of the decision, seven years after.

Professor Henry SCHOFIELD, who was one of the few writers who had anything good to say about *Haddock* v. *Haddock,* upheld and approved the decision in 1 ILL. L. REV. 219, on the ground that the Connecticut court never

acquired jurisdiction for any purpose; disregarding the dictum in Justice WHITE'S opinion which tends to admit that the judgment was entitled to recognition within the State of Connecticut. He says, "*Haddock* v. *Haddock*, I think, marks the beginning of the end of the scandalous condition of the divorce law and procedure of many of the States of this Union by means of a constitutional call by the Supreme Court of the United States to the straggling States to get back within the lines of the Constitution and stay there."

But however desirable this result might be, it has not been attained, because practically all the states still continue to grant divorces against non-residents on service by publication, under circumstances similar to the facts of the *Haddock* case. See the recent instances of *Varney* v. *Varney*, (1910) 38 Pa. Co. Ct. 131; *Carty* v. *Carty*, (W. Va. 1911) 73 S. E. 310, 38 L. R. A. N. S. 297; *Cohen* v. *Cohen*, (Del. 1912) 84 Atl. 122; *Sworoski* v. *Sworoski*, (1908) 75 N. H. 1; *Taylor* v. *Taylor*, (Fla. 1912) 60 So. 116; *Montmorency* v. *Montmorency*, (Tex. 1911) 139 S. W. 1168.

The states which recognized foreign divorces rendered on service by publication in states other than the matrimonial domicile, before the Haddock case was decided, still continue to do so on grounds of interstate comity. *Joyner* v. *Joyner*, (1908) 131 Ga. 217, 18 L. R. A. N. S. 647; *Douglas* v. *Teller*, (1909) 53 Wash. 695; *Hicks* v. *Hicks*, (Wash. 1912) 125 Pac. 945; *Toncray* v. *Toncray*, (1910) 123 Tenn. 476, 131 S. W. 977, 34 L. R. A. N. S. 1106; *Howard* v. *Strole*, (Mo. 1912) 146 S. W. 792. Of course New York still adheres to the doctrine of *Haddock* v. *Haddock*. See *Tysen* v. *Tysen* (1910) 125 N. Y. S. 497, 140 App. Div. 370; *Olmstead* v. *Olmstead*, (1908) 190 N. Y. 458. The State of Kansas, apparently alarmed as to the effect which the decision in the *Haddock* case would have, passed a statute in 1907 providing that full faith and credit should be given such foreign judgments of divorce. This statute was applied in *McCormick* v. *McCormick*, (1910) 82 Kan. 31.

Apparently the only real effect which the case has had, has been to create a great deal of uncertainty. A note in 4 MICH. L. REV. 534, written just after the opinion referred to was handed down, ventures the statement that such uncertainty would be its principal effect. As an indication of this uncertainty and unrest one needs only to look through the digests, and note that by far the great majority of cases that arise on this question are in the State of New York where the doctrine of *Haddock* v. *Haddock* is given full force. But there is at least one positive effect to be noted. The proposed Uniform Divorce Law contains a provision which will negative the effect of the Haddock case, and will require full faith and credit to be given decrees of divorce rendered in other States, when the service by publication is made substantially as required in the said law. UNIFORM DIVORCE LAW, § 22. Apparently the prediction of Mr. Justice HOLMES in his dissenting opinion in the *Haddock* case: "I do not suppose that civilization will come to an end whichever way this case is decided," has been justified. Civilization still exists, and the decision against which Mr. Justice HOLMES protested has been practically ignored. F. R. S.